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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARCO PAULO RODRIGUES LORADOR
and PAULO RENATO RODRIGUES
LORADOR,

Plaintiffs,

vs.

MICHELLE KOLEV, NICOLE KOLEV,
CIRQUE DU SOLEIL NEVADA NEWCO,
INC., CIRQUE DU SOLEIL
ENTERTAINMENT GROUP, and TREASURE
ISLAND LLC,

Defendants.

Case Number:
2:21-cv-01650-GMN-BNW

**STIPULATION AND ORDER
REGARDING JANUARY 11, 2022
HEARING**

Plaintiffs Marco Paulo Rodrigues Lorador and Paulo Renato Rodrigues Lorador (hereinafter "Plaintiffs"), by and through their attorneys of record, the law firm of Marquis Aurbach Coffing; and Michelle Kolev, Nicole Kolev, Cirque Du Soleil Nevada Newco, Inc., and Treasure Island LLC, (hereinafter "Defendants"), by and through their attorneys of record, the law firm of Thorndal Armstrong Delk Balkenbush & Eisinger, hereby stipulate and agree as follows:

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1 1. Plaintiffs filed their Motion for Preliminary Injunction (ECF No. 5) on
2 September 8, 2021.

3 2. Defendants' Response (ECF No. 18) was filed on November 2, 2021.

4 3. Plaintiffs filed their Reply in Support of their Motion for Preliminary
5 Injunction (ECF No. 19) on November 9, 2021.

6 4. The Clerk of the Court set the hearing for December 16, 2021 at 10:00 a.m.
7 per the Order Setting Hearing on Motion for Preliminary Injunction (ECF No. 25) filed on
8 December 1, 2021.

9 5. The hearing was continued to January 11, 2022 pursuant to the Stipulation
10 and Order to Continue Hearing Date (ECF No. 27) filed on December 7, 2021.

11 6. Counsel for Defendants recently contracted COVID-19 and is unable to
12 attend the hearing on January 11, 2022, which would require a continuation of the hearing in
13 the interest of health and safety. The interests of health and safety must be balanced against
14 Plaintiffs' interest in having this matter adjudicated without further delay.

15 7. Thus, in an attempt to balance Plaintiffs' interest in resolving the Motion as
16 expeditiously as possible and Defendants' interest in taking the hearing off calendar for
17 health and safety reasons, the parties hereby stipulate and agree as follows:

18 a) The parties agree to submit supplemental briefing in lieu of a hearing on
19 January 11, 2022.

20 b) The briefing will be limited to the three topics identified in the Court's Order
21 Setting Hearing on Motion for Preliminary Injunction (ECF No. 25), as
22 follows:

23 1) The validity of Plaintiffs' copyright;

24 2) The current state of the law concerning partial copying of copyrighted
25 material;

26 3) The poses and transitions presented in the video exhibits of the Alexis
27 Brothers' and Kolev Sisters' hand-balancing performances.

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1 c) The supplemental briefing will be limited to 10 pages and will be submitted
2 to the court on January 11, 2022.

3 d) Upon submission of the supplemental briefing, this matter will be deemed
4 fully submitted for the Court for ruling without further oral argument, unless
5 such argument is requested by the Court.

6 8. This request is made in good faith and not being sought for improper
7 purposes or to delay.

8 Dated this 5th day of January, 2022.

9 MARQUIS AURBACH COFFING

THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

11 By: /s/ Tabetha Martinez, Esq.

By: /s/ Brian K. Terry, Esq.

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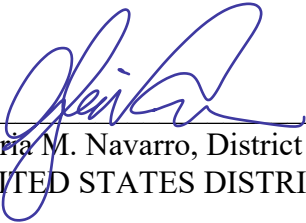
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Attorneys for Plaintiffs

20 **IT IS SO ORDERED.**

21 **IT IS FURTHER ORDERED** that the hearing currently scheduled for
22 Tuesday, January 11, 2022, at 10:00 a.m. is **VACATED**.

23 Dated this 6 day of January, 2022.

24 
25 _____
26 Gloria M. Navarro, District Judge
27 UNITED STATES DISTRICT COURT